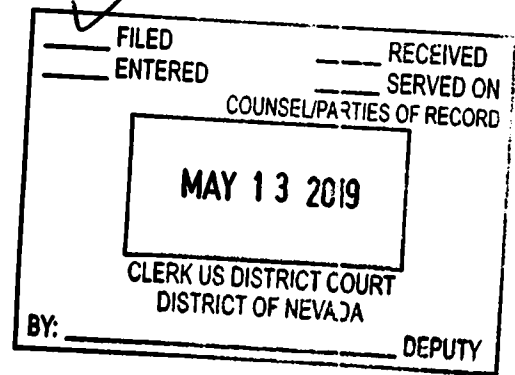


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*Attorneys for Defendant Romeo Aranas*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KEVIN ROHN GILL,  
Plaintiff,  
vs.  
ROMEO ARANAS, et al.,  
Defendants.

*ORDER*  
Case No. 3:17-cv-00159-MMD-CBC  
**MOTION TO EXTEND THE DEADLINE TO  
FILE MOTIONS FOR SUMMARY  
JUDGMENT  
(First Request)**

Defendant Dr. Romeo Aranas,<sup>1</sup> by and through counsel, Aaron D. Ford, Nevada Attorney General, and Robert W. DeLong, Deputy Attorney General, hereby move to extend the deadline to file dispositive motions in this matter because Plaintiff was recently permitted to file an amended complaint (ECF No. 37), which resulted in the inclusion of Dr. Walls as a new defendant.

This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff Kevin Gill (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC). Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The proper procedure, when additional time for any purpose is needed, is to present a request for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D.

<sup>1</sup> Defendants Gedney, Mar, Long, Perry, and Brockway were dismissed without prejudice by this Court on May 2, 2019. (ECF No. 36 at 6.)

1 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
2 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8  
3 F.R.D. 268 (N.D. Ohio 1947). The present deadline to file motions for summary judgment is today,  
4 May 8, 2019. (ECF No. 27 at 3.)

5 Defendant seeks an enlargement of time to file dispositive motions in this matter because  
6 Defendant Dr. Walls was recently added to the case and has not yet been served. Plaintiff moved to file  
7 an amended complaint in this matter on January 16, 2019. (ECF No. 29.) United States Magistrate  
8 Judge Carla B. Carry entered a Report and Recommendation ("R&R") (ECF No. 33) permitting  
9 Plaintiff to file a second amended complaint and adding Dr. Walls as a defendant. The R&R was  
10 accepted in full by the Court on May 2, 2019. (ECF No. 36.) The Court then entered a Minute Order on  
11 May 7, 2019 (ECF No. 38), directing the Attorney General's Office to file a notice of acceptance of  
12 service, and to file an answer to the second amended complaint within 60 days from the date of the  
13 Minute Order.

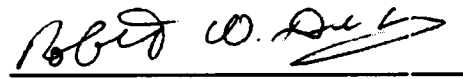
14 Because it is not clear at this time if Dr. Walls will even be served in this matter, Defendant  
15 respectfully requests that the deadline to file motions for summary judgment in this matter be extended  
16 for 45 days from the date that an answer is filed to the second amended complaint. This request is made  
17 to allow all served defendants to file a joint motion for summary judgment.

18 Good cause exists to extend the time to file this motion. This request is made in good faith and  
19 not for the purpose of delay. Defendant respectfully submits that none of the parties will be prejudiced  
20 by the extension of time sought.

21 DATED this 8th day of May, 2019.

22 AARON D. FORD  
Attorney General

23  
24 By:

  
25 ROBERT W. DELONG  
Deputy Attorney General  
Bureau of Litigation  
Public Safety Division

*Attorneys for Defendant*

26 **IT IS SO ORDERED**

27   
U.S. MAGISTRATE JUDGE

28 DATED: 5/13/2019